

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

NOELLA G. SCHNELL,

Plaintiff,

vs.

COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,

Defendant.

CASE NO. 07CV2336 WQH (AJB)

ORDER DENYING MOTION TO  
PROCEED IN FORMA PAUPERIS

HAYES, Judge:

Pending before the Court is Plaintiff Noella G. Schnell's motion to proceed in forma pauperis. (Doc. # 2).

**DISCUSSION & ORDER**

On December 13, 2007, Plaintiff Noella G. Schnell filed a Complaint against Defendant Commissioner of Social Security. (Doc. # 1). Plaintiff also filed the presently pending motion to proceed in forma pauperis. (Doc. # 2).

**I. Motion to Proceed In Forma Pauperis**

All parties instituting a civil action, suit, or proceeding in a district court of the United States, other than a petition for writ of habeas corpus, must pay a filing fee of \$350.00. 28 U.S.C. § 1914(a). An action may proceed despite a party's failure to pay only if the party is granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th

1 Cir. 1999). "To proceed in forma pauperis is a privilege not a right." *Smart v. Heinze*, 347 F.2d 114,  
2 116 (9th Cir. 1965).

3 In her accompanying affidavit, Plaintiff states that she is not employed, but fails to list the date  
4 of her last employment and the salary or wages that she received at that time. Plaintiff indicates that  
5 she owns a 1995 Ford automobile, but no other assets. Plaintiff currently receives approximately  
6 \$30.00 per/month from her parents for gas, and is otherwise fully supported by her parents. However,  
7 Plaintiff does not list exactly how much financial support she receives from her parents. Plaintiff does  
8 not have any dependents.

9 After considering Plaintiff's motion and the accompanying affidavit, the Court cannot  
10 determine whether Plaintiff can afford to pay the filing fee in this case. Accordingly, Plaintiff's  
11 motion to proceed in forma pauperis (Doc. # 2) is DENIED without prejudice. Plaintiff shall, on or  
12 before **Monday, May 12, 2008**, either (1) pay the requisite \$350.00 filing fee, or (2) submit a more  
13 detailed and comprehensive motion to proceed in forma pauperis. If Plaintiff fails to submit payment  
14 or an amended motion to proceed in forma pauperis on or before **Monday, May 12, 2008**, the Court  
15 will close this case.

16 The Clerk of the Court is ordered to provide a blank motion to proceed in forma pauperis form  
17 to Plaintiff along with this Order.

18 **IT IS SO ORDERED.**

19 DATED: April 25, 2008

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21 **WILLIAM Q. HAYES**  
United States District Judge

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